



U.S. Citizenship
and Immigration
Services

(b)(6)

DATE **NOV 12 2014**

OFFICE: TEXAS SERVICE CENTER

FILE:

IN RE:

PETITIONER:
BENEFICIARY:

PETITION: Immigrant Petition for Alien Worker as an Alien of Extraordinary Ability Pursuant to Section 203(b)(1)(A) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(1)(A)

ON BEHALF OF PETITIONER:

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements. See also 8 C.F.R. § 103.5. Do not file a motion directly with the AAO.**

Thank you,

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Director, Texas Service Center, denied the employment-based immigrant visa petition on June 17, 2014. The petitioner, who is also the beneficiary, appealed the decision to the Administrative Appeals Office (AAO) on July 16, 2014. The appeal will be summarily dismissed.

In Parts 2 and 6 of the petition, the petitioner indicated that she is seeking classification as an “alien of extraordinary ability” as a teacher, pursuant to section 203(b)(1)(A) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(A). In Part 3 of the Notice of Appeal or Motion, Form I-290B, “Information About the Appeal or Motion,” the petitioner checked the box that states “I am filing an appeal to the AAO. My brief and/or additional evidence will be submitted to the AAO within 30 calendar days of filing the appeal.” A July 12, 2014 letter that the petitioner filed with the Form I-290B similarly provides: “Please note that we expect [the petitioner] to be able to provide additional evidence within the next 30 days in support of this Notice of Appeal.” As of this date, approximately three months later the petitioner has not filed a brief or additional evidence.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) provides, in pertinent part, we “shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.”

In this case, the petitioner has not specifically identified an erroneous conclusion of law or statement of fact in the director’s June 17, 2014 adverse decision. Instead, the petitioner has filed an appeal without stating what regulatory criteria under 8 C.F.R. § 204.5(h)(3)(i)-(x) that she meets or identifying specific evidence in the record that establishes that she meets the particular regulatory criteria. The petitioner’s mere filing of a Form I-290B without specifically identifying or providing support establishing any erroneous conclusion of law or statement of fact for the appeal, does not trigger us to conduct a full analysis of all the criteria, or a review of the director’s decision. *See Toquero v. INS*, 956 F.2d 193, 195 (9th Cir. 1992); *Matter of Lozada*, 19 I&N Dec. 637 (BIA 1988); *Matter of Valencia*, 19 I&N Dec. 354 (BIA 1986); *see also Desravines v. United States Att’y Gen.*, No. 08-14861, 343 F. App’x 433, 435 (11th Cir. 2009) (finding that issues not briefed on appeal by a *pro se* litigant are deemed abandoned); *Tedder v. F.M.C. Corp.*, 590 F.2d 115, 117 (5th Cir. 1979) (deeming abandoned an issue raised in the statement of issues but not anywhere else in the brief).

As the petitioner has not specifically identified any erroneous conclusion of law or statement of fact for the appeal, we must therefore summarily dismiss the appeal, pursuant to the regulation at 8 C.F.R. § 103.3(a)(1)(v).

ORDER: The appeal is dismissed.